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EXAMINER

YOUNG, JOHN L

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 06/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/498,515

Applicant(s)

Page et al.,

Examiner

John Young

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Feb 4, 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## **FIRST ACTION REJECTION**

### **DRAWINGS**

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

### **SPECIFICATION OBJECTION**

#### **Oath or Declaration Defective**

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: The specification to which the oath or declaration is directed has not been adequately identified. See MPEP § 601.01(a).

### **CLAIM OBJECTION—MPEP 608.01( m )**

MPEP 608.01( m ) requires:

“The claim or claims must commence on a separate sheet and should appear after the detailed description of the invention. While

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there is no set statutory form for claims, the present Office practice is to insist that each claim must be the object of a sentence starting with 'I (or we) claim,' 'The invention claimed is' (or the equivalent)."

3. Claims 1-27 are objected to pursuant to MPEP 608.01( m ) for the following reasons:  
As drafted in their present form, the heading and words "CLAIMS: We claim:" do not commence on a separate sheet with the claims that said heading and words are directed to.

On page 8, lines 6-7 delete the words: "CLAIMS: We claim:" and move said words to the top of page 9.

Appropriate corrections are required.

#### **CLAIM REJECTION — 35 U.S.C. §103( a )**

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set

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forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Independent claims 1, 12 & 22 and dependent claims 2-11, 13-21 & 23-27 are rejected under 35 U.S.C. §103( a ) as being obvious over Merriman 5,948,061 (Sep. 07, 1999) (herein referred to as (“Merriman”) in view of Srinivasan 6,357,042 (Mar. 12, 2002) [US f/d: 01/22/1999] (herein referred to as “Srinivasan”).

As per independent claim 1, Merriman (The ABSTRACT; col. 1, ll. 5-22; col. 1, ll. 28-45; col. 2, ll. 5-45; col. 3, ll. 4-67; col. 4, ll. 1-45; col. 5, ll. 63-67; and col. 6, ll. 1-12) shows elements that suggest the elements and limitations of claim 1.

Merriman lacks an explicit recitation of: “inserting the selected video advertising into the video stream that transfers the selected video content to the target viewer.”

Srinivasan (col. 29, ll. 16-36; col. 30, ll. 40-54; col. 33, ll. 3-20; col. 37, ll. 58-67; col. 38, ll. 1-25; the ABSTRACT; FIG. 11; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 18; col. 5, ll. 40-45; and col. 13, ll. 15-40) shows elements that suggest “inserting the

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selected video advertising into the video stream that transfers the selected video content to the target viewer.”

Srinivasan proposes video advertising insertion modifications that would have applied to the method of Merriman. It would have been obvious at the time of the invention to a person of ordinary skill in the art to combine the teachings of Srinivasan with the disclosure of Merriman because such combination would have provided “targeting of advertising over networks such as the Internet. . . . [and] gather information about recipients of the advertisement. . . .” (see Merriman (col. 1, ll. 63-67; and col. 1, ll. 1-4)) and because such combination would also have provided means for “enhancing the main video stream. . . .” (see Srinivasan (col. 3, ll. 40-50)).

As per claim 2, Merriman in view of Srinivasan shows the method of claim 1. (See the rejection of claim 1 supra).

Merriman lacks an explicit recitation of the elements and limitations of claim 2.

Srinivasan (col. 29, ll. 16-36; col. 30, ll. 40-54; col. 33, ll. 3-20; col. 37, ll. 58-67; col. 38, ll. 1-25; the ABSTRACT; FIG. 11; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 18; col. 5, ll. 40-45; and col. 13, ll. 15-40) shows elements that suggest the elements and limitations of claim 2.

Srinivasan proposes video advertising insertion modifications that would have applied to the method of Merriman. It would have been obvious at the time of the

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invention to a person of ordinary skill in the art to combine the teachings of Srinivasan with the disclosure of Merriman because such combination would have provided “targeting of advertising over networks such as the Internet. . . . [and] gather information about recipients of the advertisement. . . .” (see Merriman (col. 1, ll. 63-67; and col. 1, ll. 1-4)) and because such combination would also have provided means for “enhancing the main video stream. . . .” (see Srinivasan (col. 3, ll. 40-50)).

As per claim 3, Merriman in view of Srinivasan shows the method of claim 1. (See the rejection of claim 1 supra).

Merriman lacks an explicit recitation of the elements and limitations of claim 3.

Srinivasan (col. 35, ll. 48-60; col. 35, ll. 7-20; col. 35, ll. 65-67; col. 36, ll. 1-25; col. 37, ll. 40-67; col. 38, ll. 1-25; col. 29, ll. 16-36; col. 30, ll. 40-54; col. 33, ll. 3-20; col. 37, ll. 58-67; col. 38, ll. 1-25; the ABSTRACT; FIG. 11; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 18; col. 5, ll. 40-45; and col. 13, ll. 15-40) shows elements that suggest the elements and limitations of claim 3.

Srinivasan proposes transport bandwidth modifications that would have applied to the method of Merriman. It would have been obvious at the time of the invention to a person of ordinary skill in the art to combine the teachings of Srinivasan with the disclosure of Merriman because such combination would have provided “targeting of advertising over networks such as the Internet. . . . [and] gather information about

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*recipients of the advertisement. . . .*" (see Merriman (col. 1, ll. 63-67; and col. 1, ll. 1-4)) and because such combination would also have provided means for "*enhancing the mean video stream. . . .*" (see Srinivasan (col. 3, ll. 40-50)).

As per claim 4, Merriman in view of Srinivasan shows the method of claim 1. (See the rejection of claim 1 supra).

Merriman lacks an explicit recitation of the elements and limitations of claim 4.

Srinivasan (col. 35, ll. 48-60; col. 35, ll. 7-20; col. 35, ll. 65-67; col. 36, ll. 1-25; col. 37, ll. 40-67; col. 38, ll. 1-25; col. 29, ll. 16-36; col. 30, ll. 40-54; col. 33, ll. 3-20; col. 37, ll. 58-67; col. 38, ll. 1-25; the ABSTRACT; FIG. 11; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 18; col. 5, ll. 40-45; and col. 13, ll. 15-40) shows elements that suggest the elements and limitations of claim 4.

Srinivasan proposes transport modifications that would have applied to the method of Merriman. It would have been obvious at the time of the invention to a person of ordinary skill in the art to combine the teachings of Srinivasan with the disclosure of Merriman because such combination would have provided "*targeting of advertising over networks such as the Internet. . . . [and] gather information about recipients of the advertisement. . . .*" (see Merriman (col. 1, ll. 63-67; and col. 1, ll. 1-4)) and because such combination would also have provided means for "*enhancing the mean video stream. . . .*" (see Srinivasan (col. 3, ll. 40-50)).

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As per claim 5, Merriman in view of Srinivasan shows the method of claim 1. (See the rejection of claim 1 supra).

Merriman lacks an explicit recitation of the elements and limitations of claim 5.

Srinivasan (col. 32, ll. 10-67; col. 34, ll. 23-45; col. 2, ll. 63-67; col. 3, ll. 1-10; col. 35, ll. 48-60; col. 35, ll. 7-20; col. 35, ll. 65-67; col. 36, ll. 1-25; col. 37, ll. 40-67; col. 38, ll. 1-25; col. 29, ll. 16-36; col. 30, ll. 40-54; col. 33, ll. 3-20; col. 37, ll. 58-67; col. 38, ll. 1-25; the ABSTRACT; FIG. 11; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 18; col. 5, ll. 40-45; and col. 13, ll. 15-40) shows elements that suggest the elements and limitations of claim 5.

Srinivasan proposes profile and identity modifications that would have applied to the method of Merriman. It would have been obvious at the time of the invention to a person of ordinary skill in the art to combine the teachings of Srinivasan with the disclosure of Merriman because such combination would have provided “*targeting of advertising over networks such as the Internet. . . . [and] gather information about recipients of the advertisement. . . .*” (see Merriman (col. 1, ll. 63-67; and col. 1, ll. 1-4)) and because such combination would also have provided means for “*enhancing the meanin video stream. . . .*” (see Srinivasan (col. 3, ll. 40-50)).

As per claim 6, Merriman in view of Srinivasan shows the method of claim 1. (See the rejection of claim 1 supra).

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Merriman lacks an explicit recitation of the elements and limitations of claim 6.

Srinivasan (col. 29, ll. 16-36; col. 30, ll. 40-54; col. 33, ll. 3-20; col. 37, ll. 58-67; col. 38, ll. 1-25; the ABSTRACT; FIG. 11; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 18; col. 5, ll. 40-45; and col. 13, ll. 15-40) shows elements that suggest the elements and limitations of claim 6.

Srinivasan proposes video advertising and target device modifications that would have applied to the method of Merriman. It would have been obvious at the time of the invention to a person of ordinary skill in the art to combine the teachings of Srinivasan with the disclosure of Merriman because such combination would have provided “targeting of advertising over networks such as the Internet. . . . [and] gather information about recipients of the advertisement. . . .” (see Merriman (col. 1, ll. 63-67; and col. 1, ll. 1-4)) and because such combination would also have provided means for “enhancing the main video stream. . . .” (see Srinivasan (col. 3, ll. 40-50)).

As per claim 7, Merriman in view of Srinivasan shows the method of claim 1. (See the rejection of claim 1 supra).

Merriman lacks an explicit recitation of the elements and limitations of claim 7.

Srinivasan (col. 29, ll. 16-36; col. 30, ll. 40-54; col. 33, ll. 3-20; col. 37, ll. 58-67; col. 38, ll. 1-25; the ABSTRACT; FIG. 11; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17;

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FIG. 18; col. 5, ll. 40-45; and col. 13, ll. 15-40) shows elements that suggest the elements and limitations of claim 7.

Srinivasan proposes video advertising and target device modifications that would have applied to the method of Merriman. It would have been obvious at the time of the invention to a person of ordinary skill in the art to combine the teachings of Srinivasan with the disclosure of Merriman because such combination would have provided “*targeting of advertising over networks such as the Internet. . . . [and] gather information about recipients of the advertisement. . . .*” (see Merriman (col. 1, ll. 63-67; and col. 1, ll. 1-4)) and because such combination would also have provided means for “*enhancing the meain video stream. . . .*” (see Srinivasan (col. 3, ll. 40-50)).

As per claim 8, Merriman in view of Srinivasan shows the method of claim 1. (See the rejection of claim 1 supra).

Merriman lacks an explicit recitation of the elements and limitations of claim 8.

Srinivasan (col. 29, ll. 16-36; col. 30, ll. 40-54; col. 33, ll. 3-20; col. 37, ll. 58-67; col. 38, ll. 1-25; the ABSTRACT; FIG. 11; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 18; col. 5, ll. 40-45; and col. 13, ll. 15-40) shows elements that suggest the elements and limitations of claim 8.

Srinivasan proposes video advertising and target viewer modifications that would have applied to the method of Merriman. It would have been obvious at the time of the

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invention to a person of ordinary skill in the art to combine the teachings of Srinivasan with the disclosure of Merriman because such combination would have provided *“targeting of advertising over networks such as the Internet. . . . [and] gather information about recipients of the advertisement. . . .”* (see Merriman (col. 1, ll. 63-67; and col. 1, ll. 1-4)) and because such combination would also have provided means for *“enhancing the meain video stream. . . .”* (see Srinivasan (col. 3, ll. 40-50)).

As per claim 9, Merriman in view of Srinivasan shows the method of claim 1. (See the rejection of claim 1 supra).

Merriman lacks an explicit recitation of the elements and limitations of claim 9.

Srinivasan (col. 23, ll. 55-67; col. 24, ll. 15-67; col. 25, ll. 1-67; col. 29, ll. 16-36; col. 30, ll. 40-54; col. 33, ll. 3-20; col. 37, ll. 58-67; col. 38, ll. 1-25; the ABSTRACT; FIG. 11; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 18; col. 5, ll. 40-45; and col. 13, ll. 15-40) shows elements that suggest the elements and limitations of claim 9.

Srinivasan proposes play and editing function modifications that would have applied to the method of Merriman. It would have been obvious at the time of the invention to a person of ordinary skill in the art to combine the teachings of Srinivasan with the disclosure of Merriman because such combination would have provided *“targeting of advertising over networks such as the Internet. . . . [and] gather information about recipients of the advertisement. . . .”* (see Merriman (col. 1, ll. 63-67; and col. 1,

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ll. 1-4)) and because such combination would also have provided means for “*enhancing the main video stream. . . .*” (see Srinivasan (col. 3, ll. 40-50)).

Merriman lacks an explicit recitation of “disabling one of a fast forward, pause, and rewind capability. . . .”; even though, in this case the Examiner interprets Srinivasan (col.23, ll. 55-67) as impliedly suggesting “disabling one of a fast forward, pause, and rewind capability. . . .”; however,

Official Notice is taken that both the concept and the advantages of “disabling one of a fast forward, pause, and rewind capability. . . .” were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include “disabling one of a fast forward, pause, and rewind capability. . . .” because such selection would have provided means to “*accomplish special effects on any selected frame in a data stream. . . . Other effects may be added to the list in other embodiments.*” (See Srinivasan (col. 24 ,ll. 35-45)).

As per claim 10, Merriman in view of Srinivasan shows the method of claim 1. (See the rejection of claim 1 supra).

Merriman lacks an explicit recitation of the elements and limitations of claim 10.

Srinivasan (col. 24, ll. 15-67; col. 25, ll. 1-67; col. 29, ll. 16-36; col. 30, ll. 40-54; col. 33, ll. 3-20; col. 37, ll. 58-67; col. 38, ll. 1-25; the ABSTRACT; FIG. 11; FIG. 13;

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FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 18; col. 5, ll. 40-45; and col. 13, ll. 15-40) shows elements that suggest the elements and limitations of claim 10.

Srinivasan proposes play and editing function modifications that would have applied to the method of Merriman. It would have been obvious at the time of the invention to a person of ordinary skill in the art to combine the teachings of Srinivasan with the disclosure of Merriman because such combination would have provided “targeting of advertising over networks such as the Internet. . . . [and] gather information about recipients of the advertisement. . . .” (see Merriman (col. 1, ll. 63-67; and col. 1, ll. 1-4)) and because such combination would also have provided means for “enhancing the main video stream. . . .” (see Srinivasan (col. 3, ll. 40-50)).

As per claim 11, Merriman in view of Srinivasan shows the method of claim 1. (See the rejection of claim 1 supra).

Merriman lacks an explicit recitation of the elements and limitations of claim 11.

Srinivasan (col. 29, ll. 16-36; col. 30, ll. 40-54; col. 33, ll. 3-20; col. 37, ll. 58-67; col. 38, ll. 1-25; the ABSTRACT; FIG. 11; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 18; col. 5, ll. 40-45; and col. 13, ll. 15-40) shows elements that suggest the elements and limitations of claim 11.

Srinivasan proposes video advertising and target viewer modifications that would have applied to the method of Merriman. It would have been obvious at the time of the

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invention to a person of ordinary skill in the art to combine the teachings of Srinivasan with the disclosure of Merriman because such combination would have provided “*targeting of advertising over networks such as the Internet. . . . [and] gather information about recipients of the advertisement. . . .*” (see Merriman (col. 1, ll. 63-67; and col. 1, ll. 1-4)) and because such combination would also have provided means for “*enhancing the meain video stream. . . .*” (see Srinivasan (col. 3, ll. 40-50)).

Claim 12 is rejected for substantially the same reasons as claim 1.

Claim 13 is rejected for substantially the same reasons as claim 2.

Claim 14 is rejected for substantially the same reasons as claim 3.

Claim 15 is rejected for substantially the same reasons as claim 4.

As per claim 16, Merriman in view of Srinivasan shows the method of claim 12 (See the rejection of claim 12 supra).

Merriman (The ABSTRACT; col. 1, ll. 5-22; col. 1, ll. 28-45; col. 2, ll. 5-45; col. 3, ll. 4-67; col. 4, ll. 1-45; col. 5, ll. 63-67; and col. 6, ll. 1-12) shows elements that suggest the elements and limitations of claim 16 that “includes the interface.”

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Merriman lacks an explicit recitation of: “inserting the selected video advertising into the video stream that transfers the selected video content to the target viewer.”

Srinivasan (col. 29, ll. 16-36; col. 30, ll. 40-54; col. 33, ll. 3-20; col. 37, ll. 58-67; col. 38, ll. 1-25; the ABSTRACT; FIG. 11; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 18; col. 5, ll. 40-45; and col. 13, ll. 15-40) shows elements that suggest “inserting the selected video advertising into the video stream that transfers the selected video content to the target viewer.”

Srinivasan proposes video advertising insertion modifications that would have applied to the method of Merriman. It would have been obvious at the time of the invention to a person of ordinary skill in the art to combine the teachings of Srinivasan with the disclosure of Merriman because such combination would have provided “*targeting of advertising over networks such as the Internet. . . . [and] gather information about recipients of the advertisement. . . .*” (see Merriman (col. 1, ll. 63-67; and col. 1, ll. 1-4)) and because such combination would also have provided means for “*enhancing the main video stream. . . .*” (see Srinivasan (col. 3, ll. 40-50)).

Claim 17 is rejected for substantially the same reasons as claim 7.

Claim 18 is rejected for substantially the same reasons as claim 8.

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Claim 19 is rejected for substantially the same reasons as claim 9.

Claim 20 is rejected for substantially the same reasons as claim 10.

Claim 21 is rejected for substantially the same reasons as claim 11.

Claim 22 is rejected for substantially the same reasons as claim 1.

Claim 23 is rejected for substantially the same reasons as claim 2.

Claim 24 is rejected for substantially the same reasons as claim 9.

Claim 25 is rejected for substantially the same reasons as claim 10.

As per claim 26, Merriman in view of Srinivasan shows the method of claim 22.

(See the rejection of claim 22 supra).

Merriman lacks an explicit recitation of the elements and limitations of claim 26.

Srinivasan (col. 29, ll. 16-36; col. 30, ll. 40-54; col. 33, ll. 3-20; col. 37, ll. 58-67; col. 38, ll. 1-25; the ABSTRACT; FIG. 11; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17;

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FIG. 18; col. 5, ll. 40-45; and col. 13, ll. 15-40) shows elements that suggest the elements and limitations of claim 26.

Srinivasan proposes video advertising and target viewer modifications that would have applied to the method of Merriman. It would have been obvious at the time of the invention to a person of ordinary skill in the art to combine the teachings of Srinivasan with the disclosure of Merriman because such combination would have provided “*targeting of advertising over networks such as the Internet. . . . [and] gather information about recipients of the advertisement. . . .*” (see Merriman (col. 1, ll. 63-67; and col. 1, ll. 1-4)) and because such combination would also have provided means for “*enhancing the main video stream. . . .*” (see Srinivasan (col. 3, ll. 40-50)).

Claim 27 is rejected for substantially the same reasons as claim 11.

### RELEVANT PRIOR ART

5. The prior art references made of record and not relied upon are considered pertinent to Applicant's disclosure:

#### U.S. Patents

6,112,239, U.S. Pat. [Aug. 29, 2000]

Kenner et al.,

709/224

“SYSTEM AND METHOD FOR SERVER-SIDE OPTIMIZATION OF DATA DELIVERY ON A DISTRIBUTED COMPUTER NETWORK.”

This reference discusses banner ads and streaming video. (See col. 2, ll. 38-50; and col. 6, ll. 15-30) Ref. claims 1-27.

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6,188,398, U.S. Pat. [Feb. 13, 2000]

Collins-Rector et al.,

725/37

“TARGETING ADVERTISING USING WEB PAGES WITH VIDEO.”

This reference discusses banner ads and streaming video. (See col. 2, ll.

38-65; and col. 3, ll. 45-55) Ref. claims 1-27.

### CONCLUSION

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist

Crystal Park V

2451 Crystal Drive

Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,  
Eric Stamber, may be reached at (703) 305-8469.

2451 Crystal Drive

Arlington, Virginia.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
John L. Young

Patent Examiner

June 14, 2002